

City of Palm Bay, Florida
CODE ENFORCEMENT BOARD

Regular Meeting No. 2014 - 01

Held on the 8th day of January 2014 at City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law and is on file in the Code Compliance Office, 120 Malabar Rd SE, Suite 201, Palm Bay, Florida.

Chairperson Ritter called the meeting to order at approximately 1:10 PM.

ROLL CALL:

CHAIRPERSON:	James Ritter	Present
VICE CHAIRPERSON:	Diane White	Present
MEMBER:	Jimmie Glover	Present
MEMBER:	George Williams	Absent (Excused)
MEMBER:	Orlando Gatell	Present
MEMBER:	Jeffrey Bailey	Present
MEMBER:	Victor Silva-Martinez	Present
STAFF:	Morris Richardson	Present
STAFF:	Nick Tsamoutales	Present

NEW BUSINESS:

1. Election of Officers:

Motion made by Mr. Glover, seconded by Ms. White to nominate Mr. Ritter as Chairperson for the Code Enforcement Board year 2014. Motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey; Mr. Silva-Martinez, aye.

Motion made by Mr. Glover, seconded by Mr. Ritter to nominate Ms. White as Vice Chairperson for the Code Enforcement Board year 2014. Motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

ADOPTION OF MINUTES:

1. CEB Regular No. 2013-12; December 11, 2013

Motion made by Mr. Glover, seconded by Mr. Bailey, to accept the minutes as written. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

SWEARING IN:

1. All respondents, complainants, and City staff required to testify were sworn in.

REPORTS:

1. Authorization to Impose Fines

The City requested the Board find all respondents listed in the Authorization to Impose Fines Report in non-compliance for the period stated in the report. Inspections were performed on December 30, 2013, and the properties still remained in non-compliance.

CEB # 16322-13	Melissa Susan Eck	\$ 50.00 per day
CEB # 16336-13	William E Wilson / BAC Field Services Corp	\$ 50.00 per day
CEB # 16343-13	Louis N and Nagela Pierre	\$ 75.00 per day
CEB # 16355-13	Harbour Portfolio VI LP	\$ 50.00 per day

Motion made by Mr. Glover, seconded by Mr. Bailey, to accept and approve the Authorization to Impose Fines Report, to find the respondents in non-compliance, and to authorize the fines as stated in the report excluding any cases that were heard individually before the Board and given additional time to come into compliance. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

1. CEB Foreclosure Report:

The City requested that the Board approve the Foreclosure Report for the following cases CEB#(s) 6307-00, 10717-05, 15722-11; Hyacinth Russell, 655 Americana Blvd NE.

Motion made by Mr. Glover, seconded by Ms. White to accept and approve the Foreclosure Report. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

HEARINGS:

1. CEB #16408-14 CITY OF PALM BAY VS KYLE R LEGROF
LOT 23, BLK 75

CEB SECTY: This case involved a violation of City Code, Section(s) 185.123(C) and 93.03, Code of Ordinances of the City of Palm Bay for property located at Lot 23, Blk 75, Subdivision 06, Township 28, Range 37, Section 25, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; VALERIE CARTER: The City stated there was a violation of the City Ordinance at 788 Bianca Dr NE for recreational vehicle parked forward of front and side corner building line – to wit: trailer in front yard, and for accumulation of trash and debris and/or unsightly matter – to wit: trash and debris in front yard. The Statement of Violation, Notice of Hearing, certified return receipts and photographs of the violations were submitted to the Board as evidence.

Motion by Mr. Glover, seconded by Mr. Bailey, to find the respondent in violation based on the findings of fact, Section(s) 185.123(C) and 93.03. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Glover, seconded by Ms. White to set a compliance date of 5 days to January 17, 2014 or a fine of \$50.00 be imposed for each and every day the violation continues. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

2. CEB #16397-14 CITY OF PALM BAY VS BURGER KING CORPORATION
BLK Q.E

CEB SECTY: This case involved a violation of City Code, Section(s) 110.18, Code of Ordinances of the City of Palm Bay for property located at Blk Q.E, Subdivision MZ, Township 29, Range 37, Section 04, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; SABRINA PERKINS: The City stated there was a violation of the City Ordinance at 1164 Malabar Rd SE for permitting a business to be operated without the required business tax receipt – to wit: Burger King. The Statement of Violation, Notice of Hearing and certified return receipt of the violation were submitted to the Board as evidence.

Motion by Mr. Bailey, seconded by Ms. White, to find the respondent in violation based on the findings of fact, Section(s) 110.18. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Bailey, seconded by Ms. White to set a compliance date of 10 days to January 18, 2014 or a fine of \$75.00 be imposed for each and every day the violation continues. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

3. CEB #16398-14 CITY OF PALM BAY VS RICHARD M/RONALD E HEIMANN TRUSTEES
BLK 753

CEB SECTY: This case involved a violation of City Code, Section(s) 110.18, Code of Ordinances of the City of Palm Bay for property located at Blk 753, Subdivision 00, Township 28, Range 37, Section 21, Brevard County, Florida.

CODE ENFORCEMENT OFFICER; SABRINA PERKINS: The City stated there was a violation of the City Ordinance at 4704 Babcock St NE for permitting a business to be operated without the required business tax receipt – to wit: Burger King. The Statement of Violation, Notice of Hearing and certified return receipt of the violation were submitted to the Board as evidence.

Motion by Mr. Bailey, seconded by Mr. Glover, to find the respondent in violation based on the findings of fact, Section(s) 110.18. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Bailey, seconded by Mr. Glover to set a compliance date of 10 days to January 18, 2014 or a fine of \$75.00 be imposed for each and every day the violation continues. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

The following cases listed were heard as uncontested cases. These cases had not come into compliance and the respondents were not present to be heard.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Board find the respondents in violation of the violations not in compliance and that the Code Board set a reasonable time for compliance and a fine per day to be imposed if the respondents fail to come into compliance by the time set.

CEB #16393-14	Qiao Ru Guo Yang
CEB #16394-14	Nicholas R Strickland
CEB #16399-14	Stephen N and Cheryl A Lindner
CEB #16401-14	Clarissa McLean Life Estate
CEB #16402-14	Alison Ravenna
CEB #16403-14	Darren Michael DiGiacomo
CEB #16404-14	George J Mullane and Patricia Blair
CEB #16405-14	Theresa Dolphy
CEB #16406-14	Peter Bedford / Chase Home Finance
CEB #16407-14	Michael D Wellman / Bank of America

Motion made by Mr. Ritter, seconded by Mr. Bailey, to find the cases listed by the Board Secretary in violation based on the findings of fact entered into evidence. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

Motion made by Mr. Ritter, seconded by Mr. Glover, to give the respondents in these cases a compliance date of 15 days to January 23, 2014 or that a fine of \$50.00 be imposed for every case for each and every day the violations continue. The motion carried with the members voting as follows: Mr. Ritter, aye; Ms. White, aye; Mr. Glover, aye; Mr. Gatell, aye; Mr. Bailey, aye; Mr. Silva-Martinez, aye.

The following case(s) were withdrawn due to voluntary compliance:

16390-14	Pierre-Louis and Margarete Bredy
16391-14	Joshua Ghiz

16392-14 Veronica E Vientimilla and Jose L Perez Mendoza

16395-14 Robert Spellman

16396-14 William Karl and Deborah Lee Hicks

16400-14 Roy A and Karen Baker

At this time, Carol Martinussen noted that the Board will need to reserve the Chamber to conduct the Quasi-Judicial Training. Board agreed to set a date for March 12, 2014.

ADJOURNMENT:

The meeting adjourned at approximately 1:35 PM.

James L Ritter, Chairperson

ATTEST:

Bernadette Joseph, Board Secretary